

Madison County
Board of Zoning Adjustments

Application for Public Hearing

Date: 6-25-24

Application No. _____

Hearing Type:

Dimensional Variance

Conditional Use Permit

Appeal

Applicant's Name: Arwen Price

Mailing Address: 280 Chestnut Ridge Dr

City/State/Zip Code: Lexington, KY 40511

Telephone Number: 859-270-9252

Address of Property Requesting Hearing: 2618 Doylesville Rd, Richmond KY

Property Owner's Name: Justin Hunter

Existing Land Use: _____ Existing Zoning Classification: AG

DIMENSIONAL VARIANCE:

If requesting a "Dimensional Variance" describe in detail below the nature of the variance requested (use separate sheet if additional space is needed). Site plan drawn to scale must be provided.

CONDITIONAL USE PERMIT:

If requesting a "Conditional Use Permit" describe in detail below the nature of the Conditional Use requested (use separate sheet if additional space is needed).

APPEAL:

If requesting a hearing to review the decision made by the Administrative Official please complete on a separate sheet the nature of the appeal and what sections of the regulations you are appealing.

Signature of Applicant: [Signature] Date: 6-25-24

Introduction:

The applicants, Arwen Price and Klayton Harris, are seeking a conditional use permit (CUP) pursuant to KRS 100.237 and Section 3.04(a)(ii) of the Madison County Land Development & Subdivision Regulations (the "Zoning Ordinance") to permit operating a commercial boarding kennel at 2618 Doyleville Road. Scott Price, the father of applicant Arwen Price, has placed a purchase offer on the property contingent upon successfully obtaining this CUP. The applicants intend to lease the property from Mr. Price to use as a full time residence and to operate the business on a portion of the property.

Ms. Price has been a dog trainer for over 10 years and owns Bluegrass Dog Training Academy ("BDT") located at 1777 Alexandria Drive in Lexington. BDT offers private and group behavioral classes, training day camps, and dog daycare services. BDT helps people with basic obedience for their pets, addressing problem behaviors, and competition sport training for both enrichment of the dogs and hobby for their owners. Competition training offered by BDT includes agility, barn hunt, scent work, rally, conformation, and competition obedience. BDT's business model has always been focused on providing top quality care for the dogs and a top quality experience for their owners. BDT has grown over time and now employs four assistants and three trainers. The business has a committed, steady client base and strives to make personal connections with every dog in their care. The applicants seek this CUP to expand their services to include boarding and board-and-train options for clients.

Mr. Harris has been a professional show dog handler for over 20 years. His full time job is caring for client dogs and presenting them at regional and national conformation shows like the Westminster Kennel Club. Clients send him dogs and he boards them during their time showing. The duration of stay can vary depending on the type of showing, but dogs stay with him long term - usually six months to two years. These show dogs would be part of the boarding plan for the property. Klayton has worked in commercial boarding kennels and show kennels over his 20 years in the industry, and will be an integral part of managing the kennel to provide top quality care for BDT's clients.

Business Plan:

The subject property consists of an existing residential building and an onsite garage. BDT proposes renovating the existing garage to serve as the main boarding facility with dog runs, play areas, and parking areas adjoining or adjacent to the garage. The subject property connects to Doyleville Road (SR 1986), a local road under the jurisdiction of the Kentucky Transportation Cabinet.

The applicants intend to renovate an existing metal building on the property to be safe and comfortable, and simple to clean and care for the dogs. The existing metal building is 20' wide by 50' long on a concrete slab. This building currently has water and power run to it, but would need to be insulated and climate controlled. Although unanticipated, Rumpke is available to service this address if a dumpster is needed; however, the relatively few dogs at any one time onsite will keep any additional waste to a minimum. There is currently a finished office space in the back of the building, approximately 8' by 20'. That space will be used for training, food

preparation, and storage of each dog's personal items. The garage that will serve as the kennel is not located near any property lines and is well separated from any neighbors. See image 1.

In addition to the office area, BDT would build 10 kennel runs on each side of the building that connect via a closable dog door to an outdoor gravel kennel run. See images 2, 5, and 6. An overhead view of the proposed site is shown in Image 3, showing the location of the dog runs, play and parking areas. Boarding is a highly seasonal business, so while there will be periods of very few dogs on the property, there are weeks where higher volumes are anticipated. A larger number of runs ensures their availability to serve clients during peak times such as spring break, 4th of July, and Christmas holidays.

All boarding dogs will be kept indoors unless supervised. When supervised, they will have access to their individual outdoor kennel run and will rotate with small play groups in a fenced play yard. Two fenced-in play yards are planned near the kennel building. See image 3. Dogs will be kept indoors overnight and will only be outside when someone is supervising them and within the hours of 7 am to 10 pm. As a professional dog trainer, keeping barking to a minimum is a top priority and essential to keep the kennel a calm, quiet, pleasant experience for both dogs and people. Similarly, the kennel will be held to high standards for cleanliness and hygiene, and odor impacts on surrounding properties are not anticipated.

As mentioned, boarding will only be open to Klayton's show clients and Arwen's training clients and will be an extension of BDT's Lexington-based business. All clients will drop off and pick up their dogs at BDT's training center in Lexington to minimize any traffic to the property. Professional photos and video tours are planned to minimize in-person tours, but the operation would allow a limited number of individual clients to visit at scheduled times. These tours will be limited to normal business hours of 9 am to 5 pm, and limited in number on a daily basis. Staff members and the occasional visitor would park near the kennel building in an existing parking area, while residents would park by the house. The kennel would not install any signage on the subject property and all advertisements will be handled at the existing Lexington-based facility.

Conditional Use Permit Request:

Under Section 2.02(c)(ii) of the Zoning Ordinance, the Board of Adjustment may approve, modify, or deny an application for a conditional use permit. The applicants respectfully request approval of its CUP application for kennel use at the above-referenced property. Granting the requested CUP for BDT's proposed kennel is appropriate and meets the Review Criteria for conditional uses set forth in Section 2.02(c)(iv) of the Zoning Ordinance.

According to Madison County's GeoHub, which provides an interactive zoning map for Madison County, the subject property is located within an Agricultural District (AG) zone. A kennel is allowable within AG-zoned property as a conditional use under the Zoning Ordinance, as shown on Section 3.05's table of Allowed Uses.

The proposed kennel use is consistent with the intent of the Zoning Ordinance's goals for the AG District and is harmonious with surrounding uses. Section 3.05(a)(i) of the Zoning Ordinance

provides the purpose of the AG District, which is intended to preserve the supply and economics of existing farmland by discouraging urban development in primarily agricultural areas. Non-farm residential uses should also be limited in these areas. The proposed kennel would not result in any additional residents of the existing property and does not emit any fumes, smoke, or glare to operate. As such, any changes in the intensity of that land's use will be minimal. In addition, the proposed use will be located in a rural area with few adjoining neighbors, with the nearest residential property located over 250 feet from the existing garage according to GeoHub. Proposed outdoor renovations including parking areas, the dogs' outdoor runs, and play yard will be separated from the nearest neighbor by a grove of trees, as shown on Images 1 and 3. BDT aims to leverage the characteristics of the existing terrain to preserve the area's vegetation and agricultural character. Open spaces will be preserved and used for on-leash walking trails. Other planned renovations are limited to the existing garage structure and will not impact neighboring properties.

Decisions on CUP applications are based on Review Criteria in Section 2.02(c)(iv) of the Zoning Ordinance. The proposed kennel fulfills the Review Criteria listed below:

- Criterion A: A kennel is a permitted in AG zoning as a conditional use;
- Criterion B: BDT's kennel will not result in reduced acreage or quality of the area's existing farmland and will preserve the area's existing rural character;
- Criterion D: BDT's kennel is not a use presenting a public safety risk, will not emit pollutants, or have measurable impacts to the property's existing environmental or infrastructural assets;
- Criterion E: BDT's proposed kennel will be harmonious with the existing and intended character of the general area because no additional construction is proposed and will leverage existing natural features to minimize impacts to neighboring properties;
- Criterion F: BDT's proposed kennel does not use or otherwise need hazardous substances in order to operate, and a combination of limited traffic generation, dog training exercises, and existing natural features will mitigate potential noise impacts;
- Criterion G: BDT's kennel does not need any toxic or chemical inputs to operate outside of chemicals related to facility cleanliness and animal hygiene, and will not produce smoke, fumes, or glare during operation;
- Criterion I: BDT's method of transporting the dogs to the proposed kennel from its existing Lexington-based facility will minimize traffic created from customers seeking boarding services;
- Criteria J and K: The site is designed to leverage existing natural features to minimize emissions of noise and odors incidental to the facility's operation, and thus will not impair the existing environment or uses from surrounding land;
- Criterion L: BDT's kennel is designed to present a minimal impact to surrounding properties by leveraging the existing landscape and to minimize negative externalities such as odors and noise by primarily housing dogs indoors with individualized dog runs and supervised outdoor play time.

The proposed kennel use is also consistent with the Comprehensive Plan's Future Land Use Plan's goals for development in Rural Communities' agricultural areas. The proposed use will not

alter the existing density of the area and stormwater runoff patterns, and is currently served with water, waste, and electrical utilities. Any additional traffic generated by the facility will be negligible due to the limited number of dogs in the kennel and drop-off occurring at BDT's existing facility in Lexington. In addition, the kennel will be sited with the existing environment in mind, through preservation of existing vegetation and properly buffering the kennel from surrounding properties. The kennel will also broadly support economic development efforts outlined in the Comprehensive Plan because it expands BDT's existing operation from Lexington into Madison County, and supports entrepreneurship and small business development in the community.

The proposed kennel meets the following objectives for development under the Comprehensive Plan:

- Land Use & Development, Objective 4: BDT's kennel will minimize potential land use conflicts by virtue of its renovation of an existing structure, rather than locating new development, and designing its facilities to leverage existing vegetation for screening and noise reduction;
- Natural Environment, Objectives 1 and 4: BDT's proposed kennel will preserve and leverage existing vegetation for screening and noise mitigation, and properly buffer the site from the nearest existing neighbor; the project's intent to renovate existing construction will preserve existing stormwater drainage patterns.

In sum, the proposed kennel will not change the essential character of the existing area and will not present a detriment to any neighboring properties by reason of noise, smoke, fumes, glare, or odors, or excessive traffic. As such, the applicants respectfully request that the Madison County Board of Adjustments grant the requested CUP to authorize operation of the kennel facility.

Image 1:

Overhead view: Property line in red, proposed kennel building in yellow



1A: Existing structure



Image 2:

Drawing of inside layout of metal building showing 10 indoor/outdoor runs on each side

